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Page 1012

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96TH CONGRESS
2D SESSION

S. 1411

[Report No. 96-930]

To improve the economy and efficiency of the Government and the private sector
by improving Federal information management, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26 (legislative day, JUNE 21), 1979

Mr. CHILES (for himself, Mr. BENTSEN, Mr. DANFORTH, Mr. ROTH, Mr. COCHRAN, Mr. HUDDLESTON, Mr. GARN, Mr. RIBICOFF, Mr. MELCHER, Mr. DOLE, Mr. HOLLINGS, Mr. LUGAR, Mr. HEINZ, Mr. PRYOR, Mr. JOHNSTON, Mr. PERCY, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

SEPTEMBER 8 (legislative day, JUNE 12), 1980

Reported by Mr. CHILES, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To improve the economy and efficiency of the Government and
the private sector by improving Federal information management, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That this Act may be cited as the "Paperwork and Redtape
2 Reduction Act of 1979".

3 FINDINGS AND DECLARATIONS

4 SEC. 2. (a) The Congress hereby finds that unnecessary
5 paperwork and redtape—

6 (1) are weakening the effectiveness of Federal
7 programs;

8 (2) are costing excessive amounts of money
9 through direct taxes or the hidden taxes of higher pro-
10 duction costs and consumer prices; and

11 (3) are contributing to losses of productivity and
12 increases in inflation.

13 (b) The Congress further finds that problems of unneces-
14 sary paperwork and redtape can be eliminated or substantial-
15 ly ameliorated if the following principles are followed when
16 legislation and regulations are being drafted and when pro-
17 grams are being planned and evaluated:

18 (1) The full costs and value of Government pro-
19 grams, not only to the Government, but also to individ-
20 uals and groups outside the Government, must be ex-
21 amined.

22 (2) Alternative ways to run programs must be
23 taken into account so that a conscious choice can be
24 made as to who will bear the costs of the programs
25 and who will receive benefits from them.

1 (3) Individuals, business enterprises, State and
2 local governments, and other organizations and institu-
3 tions involved in Federal programs must be allowed to
4 make suggestions regarding the design and evaluation
5 of those programs so that Government agencies can be
6 alerted to potential problems of unnecessary costs,
7 losses in effectiveness, and inefficient approaches.

8 (4) The full array of information and paperwork
9 handling technologies which might aid in operating
10 programs must be identified and analyzed, to insure
11 that their application is carefully coordinated within
12 and among agencies and that waste, overlap, and du-
13 plication are avoided. These technologies include, but
14 are not restricted to, computers, communications equip-
15 ment, word processors, office machines, and micro-
16 forms.

17 (e) The Congress hereby determines that new informa-
18 tion policies and management procedures are necessary to
19 eliminate needless paperwork and redtape and make the Fed-
20 eral Government an effective and efficient instrument in serv-
21 ice to the American people. These policies and procedures
22 should be founded on the realization that information is not a
23 free good, but a valuable resource.

1 **TITLE I—CENTRAL MANAGEMENT AND**
2 **CONTROL RESPONSIBILITY**

3 **OFFICE OF FEDERAL INFORMATION MANAGEMENT POLICY**

4 Sec. 101. (a) Title 44 of the United States Code is
5 amended by striking out chapter 35 and inserting in its place
6 the following new chapter:

7 **“CHAPTER 35—COORDINATION OF FEDERAL**
8 **INFORMATION MANAGEMENT POLICY**

“Sec.

“3501. Information for Federal agencies.

“3502. Definitions.

“3503. Office of Federal Information Management Policy.

“3504. Authority and functions of Administrator.

“3505. Designation of central collection agency.

“3506. Independent collection by an agency prohibited.

“3507. Determination of necessity for information; hearing.

“3508. Cooperation of agencies in making information available.

“3509. Information collection activities—submission to Administrator; approval.

“3510. Time limit for action by Administrator.

“3511. Rules and regulations.

“3512. Consultation with other agencies.

“3513. Administrative powers.

“3514. Responsiveness to Congress.

“3515. Effect on existing laws.

“3516. Effect on existing regulations.

“3517. Access to information.

“3518. Unlawful disclosure of information; penalties; release of information to other agencies.

“3519. Penalty for failure to furnish information.

9 **“§ 3501. Information for Federal agencies**

10 “Information needed by Federal agencies shall be ob-
11 tained with a minimum burden upon business enterprises, es-
12 pecially small business enterprises, State and local govern-
13 ments, and other persons required to furnish the information,
14 and at a minimum cost to the Government. Unnecessary du-
15 plication of efforts in obtaining information through the use of

1 reports, questionnaires, and other methods shall be elimi-
2 nated as rapidly as practicable. Information collected and
3 tabulated by a Federal agency shall, as far as is expedient, be
4 tabulated in a manner to maximize the usefulness of the in-
5 formation to other Federal agencies and the public.

6 **"§ 3502. Definitions**

7 "As used in this chapter, the term—

8 "(1) 'Administrator' means the Administrator for
9 Federal Information Management Policy in the Office
10 of Management and Budget;

11 "(2) 'Federal agency' means any executive de-
12 partment, military department, Government corpora-
13 tion, Government controlled corporation, or other es-
14 tablishment in the executive branch of the Government
15 (including the Executive Office of the President), or
16 any independent regulatory agency; but does not in-
17 clude the General Accounting Office or the govern-
18 ments of the District of Columbia and of the territories
19 and possessions of the United States, and their various
20 subdivisions;

21 "(3) 'independent regulatory agency' means the
22 Board of Governors of the Federal Reserve System,
23 the Civil Aeronautics Board, the Commodity Futures
24 Trading Commission, the Consumer Product Safety
25 Commission, the Federal Communications Commission,

1 the Federal Deposit Insurance Corporation, the Fed-
2 eral Election Commission, the Federal Energy Regula-
3 tory Commission, the Federal Home Loan Bank
4 Board, the Federal Maritime Commission, the Federal
5 Trade Commission, the Interstate Commerce Commis-
6 sion, the Mine Enforcement Safety and Health Review
7 Commission, the National Labor Relations Board, the
8 Nuclear Regulatory Commission, the Occupational
9 Safety and Health Review Commission, the Postal
10 Rate Commission, and the Securities and Exchange
11 Commission;

12 “(4) ‘person’ means an individual, partnership, as-
13 sociation, corporation, business trust, or legal repre-
14 sentative, an organized group of persons, a State, terri-
15 torial, or local government or branch thereof, or a po-
16 litical subdivision of a State, territory, or local govern-
17 ment or a branch of a political subdivision;

18 “(5) ‘collection of information’ means the obtain-
19 ing or soliciting of facts or opinions for any purpose by
20 a Federal agency by the use of written report forms,
21 application forms, schedules, questionnaires, reporting
22 or recordkeeping requirements, or other similar meth-
23 ods calling for either—

24 “(A) answers to identical questions posed to
25 or identical reporting or recordkeeping require-

1 ments imposed on ten or more persons other than
2 agencies, instrumentalities, or employees of the
3 United States; or

4 “(B) answers to questions posed to agencies,
5 instrumentalities, or employees of the United
6 States and which are to be used for statistical
7 compilations of general public interest;

8 “(6) ‘information collection request’ means a writ-
9 ten report form, application form, schedule, question-
10 naire, or reporting or recordkeeping requirement for
11 the collection of information;

12 “(7) ‘burden’ means the time, effort, and financial
13 resources expended by persons to provide information
14 collected by a Federal agency; and

15 “(8) ‘practical utility’ means the ability of an
16 agency to use information it receives, particularly the
17 capability to process such information in a timely and
18 useful fashion.

19 **“§ 3503. Office of Federal Information Management**
20 **Policy**

21 “(a) There is established in the Office of Management
22 and Budget an office to be known as the Office of Federal
23 Information Management Policy (hereinafter in this chapter
24 referred to as the ‘Office’).

1 “(b) There shall be at the head of the Office an Adminis-
2 trator for Federal Information Management Policy (herein-
3 after in this chapter referred to as the ‘Administrator’), who
4 shall be appointed by the President, by and with the advice
5 and consent of the Senate.

6 **“§ 3504. Authority and functions of Administrator**

7 “(a) The Administrator shall have Government-wide re-
8 sponsibility for setting policies and coordinating procedures
9 governing the planning, budgeting, management, and control
10 of Federal information management activities and of the
11 measurement of burdens imposed by such activities on busi-
12 ness enterprises, State and local governments, and other per-
13 sons outside the Federal Government. Each agency shall
14 have responsibility to account for and minimize the external
15 burdens imposed by programs for which it is responsible, op-
16 erating within the guidance provided under subsections (b)
17 through (g) of this section.

18 “(b) The Administrator shall publish annually, with an
19 analysis by agency and by such other categories as he may
20 deem useful, a report describing the compliance burden of
21 public-use reports, recordkeeping, and other information re-
22 quirements imposed by agencies on persons outside the Fed-
23 eral Government. The report shall describe the burdens of all
24 such requirements on such persons, as well as the costs to
25 agencies.

1 “(c)(1) The Administrator shall review, at least once
2 every three years, by means of reports and selective inspec-
3 tions, the information management activities, information col-
4 lection and clearance activities, and the paperwork reduction
5 activities of each agency to ascertain their adequacy. Upon
6 completion of such review, which shall include the accom-
7 plishments made by the agency since the preceding review
8 (or, in the case of the first review of an agency's activities,
9 the accomplishments of the preceding three years), the Ad-
10 ministrator shall—

11 “(A) evaluate the adequacy and efficiency of the
12 activities; and

13 “(B) set target goals for further reductions of the
14 numbers and burdens of Federal reports and other rec-
15 ordkeeping requirements imposed on persons outside
16 the Federal Government.

17 “(2) In evaluating the adequacy and efficiency of the
18 information management activities, information collection and
19 clearance activities, and paperwork reduction activities of
20 each agency pursuant to paragraph (1)(A), the Administrator
21 shall pay particular attention to whether—

22 “(A) a senior official of the agency has been des-
23 ignated to act as the coordinator of such activities
24 within the agency;

1 “(B) the agency has systematically inventoried
2 and periodically reviewed its information resources;

3 “(C) the agency has integrally planned and man-
4 aged its information resource needs in conjunction with
5 the agency's other resource needs; and

6 “(D) the agency has taken steps to ensure that its
7 information systems do not overlap each other or dupli-
8 cate those of other Federal agencies.

9 “(3) In setting goals for further reductions pursuant to
10 paragraph (1)(B), the Administrator shall take into considera-
11 tion the time, effort, and financial costs of reviewing data and
12 putting it into usable form that such reductions would impose
13 on Federal agencies. He shall not set any goals which would,
14 in his opinion, unreasonably increase those costs.

15 “(d) The Administrator shall conduct advance planning
16 of Federal information collection, storage, and use activities,
17 provide technical assistance to agencies which are developing
18 such programs, and promote the use of standards and guide-
19 lines for data presentation.

20 “(e) The Administrator shall develop and recommend to
21 the President and the Congress policies and standards on in-
22 formation disclosure, confidentiality, and safeguarding the se-
23 curity of information collected or maintained by Federal
24 agencies, or in conjunction with Federal programs. The Ad-
25 ministrator shall provide agencies with advice and guidance

1 about information security, monitor compliance with privacy
2 aspects of information management laws, and issue such
3 standards and regulations with regard to privacy and confi-
4 dentiality of information as he may deem necessary.

5 “(f) The Administrator shall conduct a research program
6 to develop improved information and paperwork cost ac-
7 counting and reduction techniques.

8 “(g) The Administrator shall conduct studies and pro-
9 mulgate standards with respect to records retention require-
10 ments imposed on the public by Federal agencies.

11 “(h) Except as otherwise provided by law, no duties,
12 functions, or responsibilities, other than those expressly as-
13 signed by this chapter, shall be assigned, delegated, or trans-
14 ferred to the Administrator.

15 **“§ 3505. Designation of central collection agency**

16 “When, after investigation, the Administrator is of the
17 opinion that the needs of two or more Federal agencies for
18 information from business enterprises and other persons will
19 be adequately served by a single collecting agency, he shall
20 fix a time and place for a hearing at which the agencies con-
21 cerned and other interested persons may have an opportunity
22 to present their views. After the hearing, the Administrator
23 may issue an order designating a collecting agency to obtain
24 information for two or more of the agencies concerned, and
25 prescribing (with reference to the collection of information)

1 the duties and functions of the collecting agency so designat-
2 ed and the Federal agencies for which it is to act as agent, so
3 long as such sharing of data does not conflict with section
4 3518 of this chapter, section 552a of title 5 (commonly
5 known as the Privacy Act of 1974), or any other law. The
6 Administrator may modify the order from time to time as
7 circumstances require, but modification may not be made
8 except after investigation and hearing. If, during an investi-
9 gation or hearing, the Administrator concludes that a Federal
10 agency needs certain information from business enterprises
11 and other persons but does not have authority to collect that
12 information, he shall make a report to the President of the
13 Senate and the Speaker of the House of Representatives de-
14 scribing legislative impediments to such information collec-
15 tion and citing reasons for eliminating them.

16 **"§ 3506. Independent collection by an agency prohibited**

17 "While an order or modified order issued under section
18 3505 is in effect, a Federal agency covered by it may not
19 obtain for itself information which it is the duty of the collect-
20 ing agency designated by the order to obtain.

21 **"§ 3507. Determination of necessity for information;**
22 **hearing**

23 "Upon the request of a party having a substantial inter-
24 est, or upon his own motion, the Administrator may deter-
25 mine whether or not the collection of information by a Feder-

1 al agency is necessary for the proper performance of the
2 functions of the agency and has practical utility for the
3 agency. Before making a determination the Administrator
4 may give the agency and other interested persons an oppor-
5 tunity to be heard or to submit statements in writing. To the
6 extent, if any, that the Administrator determines the collec-
7 tion of information by the agency is unnecessary, for any
8 reason, the agency may not engage in the collection of the
9 information.

10 **"§ 3508. Cooperation of agencies in making information**
11 **available**

12 "For the purposes of this chapter, the Administrator
13 may order a Federal agency to make available to another
14 Federal agency information obtained from any person after
15 December 24, 1942, and all agencies are directed to cooper-
16 ate to the fullest practicable extent at all times in sharing
17 information with one another. No order issued under this au-
18 thority may be inconsistent with section 3518 of this title,
19 section 552a of title 5, or any other law.

20 **"§ 3509. Information collection activities—submission to**
21 **Administrator; approval**

22 "(a) A Federal agency, including any individual member
23 of an independent regulatory agency, shall not conduct or
24 sponsor the collection of information unless, in advance of

1 adoption or revision of the request for collection of such infor-
2 mation—

3 “(1) the agency has taken appropriate steps, in-
4 cluding consultation with the Federal Information Lo-
5 cator System, to eliminate requirements which seek to
6 obtain information available from another source within
7 the Federal Government, to minimize the compliance
8 burden on respondents, and to formulate plans for tab-
9 ulating the information in a manner which will maxi-
10 mize its usefulness to other Federal agencies and to
11 the public;

12 “(2) the agency has submitted to the Administra-
13 tor the proposed information collection request, copies
14 of pertinent regulations and of other related materials
15 as the Administrator may specify, and an explanation
16 of measures taken to satisfy paragraph (1) of this sec-
17 tion; and

18 “(3) the Administrator has approved the proposed
19 information collection request, except that any disap-
20 proval, in whole or in part, of a proposed requirement
21 from an independent regulatory agency may be voided
22 if the agency, by a two-thirds vote of its members,
23 votes to override the Administrator's decision.

24 “(b) The Administrator shall not approve a proposed in-
25 formation collection request for a period of time greater than

1 two years unless he (or, prior to the effective date of this Act,
2 the Director of the Office of Management and Budget) had
3 previously approved an identical or similar request, in which
4 case he shall not approve the proposed request for a period of
5 time greater than five years.

6 **"§ 3510. Time limit for action by Administrator**

7 "When the Administrator receives a proposed informa-
8 tion collection request from a Federal agency pursuant to
9 section 3509(a), he shall within sixty days of receipt of the
10 proposal notify the agency of his decision to approve or dis-
11 approve the proposed request. If the Administrator deter-
12 mines that a request submitted for review is too controversial
13 or complicated to review within sixty days, he may, after
14 notice to the agency, extend the review period for an addi-
15 tional thirty days. If the Administrator does not notify the
16 agency of an extension, denial, or approval within sixty days
17 (or, if he has extended the review period for an additional
18 thirty days and does not notify the agency of a denial or
19 approval within the time of the extension), his approval may
20 be implied and the agency may collect the information for the
21 maximum period of time for which the Administrator might
22 have approved the request pursuant to section 3509(b).

1 **"§ 3511. Rules and regulations**

2 “(a) The Administrator shall promulgate rules and regu-
3 lations necessary to exercise the authority provided by this
4 chapter.

5 “(b) No Federal agency shall be exempt from the re-
6 quirements of this chapter. However, the Administrator may
7 delegate his power to approve proposed information collec-
8 tion requests in specific program areas, for specific purposes,
9 or for all agency purposes, to any agency, providing that he
10 finds that the agency has sufficient capability, independent
11 from any program responsibility, to evaluate whether the
12 proposed requests should be approved. He shall retain au-
13 thority to revoke such delegations of power. In acting for the
14 Administrator, any agency to which approval powers have
15 been delegated shall comply fully with the rules and regula-
16 tions promulgated by the Administrator.

17 **"§ 3512. Consultation with other agencies**

18 “In the development of policies, rules, regulations, pro-
19 cedures, and forms to be prescribed by him, the Administra-
20 tor shall consult with persons outside the Federal Govern-
21 ment and the agencies affected, including the Small Business
22 Administration and other agencies promulgating policies,
23 rules, regulations, procedures, and forms affecting public-use
24 reports and recordkeeping. To the extent feasible, the Ad-
25 ministrator may designate an agency or agencies, establish
26 interagency committees, or otherwise use agency representa-

1 tives or personnel, to solicit the views and the agreement, so
2 far as possible, of persons outside the Federal Government
3 and agencies affected on significant changes in policies, rules,
4 regulations, procedures, and forms.

5 **"§ 3513. Administrative powers**

6 "Upon the request of the Administrator, each agency is
7 directed to—

8 "(1) make its services, personnel, and facilities
9 available to the Office to the greatest extent practica-
10 ble for the performance of his functions; and

11 "(2) except when prohibited by law, furnish to the
12 Administrator and give him access to all information
13 and records in its possession which the Administrator
14 may determine to be necessary for the performance of
15 the functions of the Office.

16 **"§ 3514. Responsiveness to Congress**

17 "(a) The Administrator shall keep the Congress and its
18 duly authorized committees fully and currently informed of
19 the major activities of the Office, and shall submit a report
20 thereon to the President of the Senate and the Speaker of the
21 House of Representatives annually and at such other times
22 as may be necessary for this purpose, together with appropri-
23 ate legislative recommendations. The Administrator shall in-
24 clude in his reports notification of all violations of provisions

1 of this chapter and rules, regulations, goals, and orders
2 issued by him pursuant to them.

3 “(b) The preparation of these reports shall not increase
4 the burden on persons outside the Federal Government of
5 responding to mandatory requests for information.

6 **“§ 3515. Effect on existing laws**

7 “The authority of an agency under any other law to
8 prescribe policies, rules, regulations, procedures, and forms
9 for public-use reports, recordkeeping requirements, and other
10 Government information collection requests is subject to the
11 authority conferred on the Administrator by this chapter.

12 **“§ 3516. Effect on existing regulations**

13 “Policies, rules, regulations, procedures, or forms re-
14 garding public-use reports, recordkeeping, and other informa-
15 tion collection requests in effect as of the date of enactment
16 of this chapter shall continue in effect, as modified from time
17 to time, until repealed, amended, or superseded by policies,
18 rules, regulations, procedures, or forms promulgated by the
19 Administrator.

20 **“§ 3517. Access to information**

21 “(a) The Administrator and personnel in his office shall
22 furnish such information as the Comptroller General may re-
23 quire for the discharge of his responsibilities. For this pur-
24 pose, the Comptroller General or his representatives shall

1 have access to all books, documents, papers, and records of
2 the Office.

3 “(b) The Administrator shall, by regulation, require that
4 formal meetings of the Office, as designated by him, for the
5 purpose of establishing Federal information management
6 policies and regulations shall be open to the public, and that
7 public notice of each such meeting shall be given not less
8 than ten days prior thereto.

9 **“§ 3518. Unlawful disclosure of information; penalties; re-**
10 **lease of information to other agencies**

11 “(a) If information obtained in confidence by a Federal
12 agency is released by that agency to another Federal agency,
13 all the provisions of law including penalties which relate to
14 the unlawful disclosure of information apply to the officers
15 and employees of the agency to which information is released
16 to the same extent and in the same manner as the provisions
17 apply to the officers and employees of the agency which
18 originally obtained the information. The officers and employ-
19 ees of the agency to which the information is released, in
20 addition, shall be subject to the same provisions of law, in-
21 cluding penalties, relating to the unlawful disclosure of infor-
22 mation as if the information had been collected directly by
23 that agency.

1 “(b) Information obtained by a Federal agency from a
2 person under this chapter may be released to another Federal
3 agency only—

4 “(1) in the form of statistical totals or summaries;

5 “(2) if the information is information which the
6 agency could be compelled to disclose under section
7 552 of title 5 and would not be barred from disclosing
8 under section 552a of such title;

9 “(3) when the persons supplying the information
10 consent to the release of it to a second agency by the
11 agency to which the information was originally sup-
12 plied;

13 “(4) when the Federal agency to which another
14 Federal agency releases the information has authority
15 to collect the information itself and the authority is
16 supported by legal provision for civil or criminal penal-
17 ties against persons failing to supply the information;
18 or

19 “(5) when the disclosure would be—

20 “(A) restricted to a list containing names,
21 addresses, and any related information which is
22 necessary to the collection or compilation of
23 survey data (provided that such list is not derived
24 from the decennial or mid-decade census of popu-
25 lation and housing);

1 “(B) for the purpose of developing or report-
2 ing aggregate or anonymous information not to be
3 used in any way in which the identity of the re-
4 spondent may be revealed without his permission;

5 “(C) subject to a written agreement by the
6 receiving agency that prohibits any further use or
7 redisclosure of the list involved; and

8 “(D) pursuant to a written order by the Ad-
9 ministrators.

10 **“§ 3519. Penalty for failure to furnish information**

11 “(a) Notwithstanding any other provision of law, no
12 person shall be subject to any penalty whatsoever for failing
13 to provide information to any Federal agency unless the col-
14 lection of the information has been approved by the Adminis-
15 trator under the provisions of this chapter.

16 “(b) A person failing to furnish information required by
17 an agency shall be subject to penalties specifically prescribed
18 by law if the collection of the information has been approved
19 by the Administrator under the provisions of this chapter,
20 and no other penalty may be imposed either by way of fine or
21 imprisonment or by the withdrawal or denial of a right, privi-
22 lege, priority, allotment, or immunity except when the right,
23 privilege, priority, allotment, or immunity is legally condi-
24 tioned on facts which would be revealed by the information
25 requested.”.

1 (b) The table of chapters of title 44, United States Code,
2 is amended by striking out

"35. Coordination of Federal Reporting Services."

3 and inserting in its place

"35. Coordination of Federal Information Management Policy."

4 DELEGATION OF RELATED FUNCTIONS

5 SEC. 102. (a) The President and the Director of the
6 Office of Management and Budget shall delegate to the Ad-
7 ministrator for Federal Information Management Policy all
8 their functions, authority, and responsibility under section
9 103 of the Budget and Accounting Procedures Act of 1950
10 (31 U.S.C. 18b).

11 (b) The Director of the Office of Management and
12 Budget shall delegate to the Administrator for Federal Infor-
13 mation Management Policy all functions, authority, and re-
14 sponsibility of the Director under the Privacy Act of 1974.

15 RELATED RESPONSIBILITIES OF OTHER OFFICIALS

16 SEC. 103. (a) Section 708 of the Public Health Service
17 Act (42 U.S.C. 292h) is amended by striking out subsection
18 (f).

19 (b) Section 400A of the General Education Provisions
20 Act (20 U.S.C. 1221-3) is repealed.

21 (c) Section 201 of the Surface Mining Control and Rec-
22 lamation Act of 1977 (30 U.S.C. 1211) is amended by strik-
23 ing out subsection (e).

6 ~~ANNUAL PAY~~

~~TITLE II — ELIMINATION OF UNNECESSARY~~
~~DUPLICATION~~

18 ~~“CHAPTER 36—FEDERAL INFORMATION LOCATOR~~
19 ~~SYSTEM~~

1 “(2) ‘data element dictionary’ means a thesaurus
2 of standard and uniform definitions for commonly used
3 names, terms, abbreviations, and symbols used in
4 public-use reports, recordkeeping requirements, inter-
5 agency reports, and intra-agency reports;

6 “(3) ‘data profile’ means a synopsis of the ques-
7 tions contained in a public-use, interagency, or intra-
8 agency report, or of the information maintained pursu-
9 ant to a recordkeeping requirement, and also such re-
10 lated items as the official name of the report or re-
11 quirement, its location, the responsible Federal agency
12 which established and administers it, the authorizing
13 statute, a description of its contents, and other infor-
14 mation necessary to identify, access, and use the data
15 contained in it;

16 “(4) ‘duplication’ means redundancy in data and
17 information collected by Federal agencies, whether
18 through public-use, interagency, or intra-agency re-
19 ports, or through recordkeeping requirements, includ-
20 ing, but not limited to—

21 “(A) identical duplication, involving two or
22 more data elements which have the same defini-
23 tion or meaning;

1 “(B) similar duplication, involving data ele-
2 ments related to the same specific subject but
3 with minor differences in definition; and

4 “(C) generic duplication, involving reports
5 requesting groups of data that relate to the same
6 subject;

7 “(5) ‘Federal agency’ means any executive de-
8 partment, military department, Government corpora-
9 tion, Government controlled corporation, or other es-
10 tablishment in the executive branch of the Government
11 (including the Executive Office of the President), or
12 any independent regulatory agency; but does not in-
13 clude the General Accounting Office or the govern-
14 ments of the District of Columbia and of the territories
15 and possessions of the United States, and their various
16 subdivisions;

17 “(6) ‘information locator’ means a catalog of
18 public-use, interagency, and intra-agency reports, and
19 recordkeeping requirements, containing a data profile
20 for each report or requirement;

21 “(7) ‘information referral service’ means the com-
22 munications function that permits officials and citizens
23 access to the Federal Information Locator System;

1 “(8) ‘interagency report’ means a data collection
2 instrument used by one Federal agency to collect infor-
3 mation from any other Federal agency or agencies;

4 “(9) ‘intra-agency report’ means a document pre-
5 pared by a Federal agency from data collected through
6 public-use reports, recordkeeping requirements, and
7 interagency reports and issued for use within the pre-
8 paring agency;

9 “(10) ‘public-use report’ means a data collection
10 instrument used by Federal agencies to collect informa-
11 tion from ten or more persons outside the Federal
12 Government; and

13 “(11) ‘recordkeeping requirement’ means a re-
14 quirement imposed by a Federal agency on ten or more
15 persons outside the Federal Government to maintain
16 records concerning an identical data element.

17 **“§ 3602. Establishment of Federal Information Locator**
18 **System**

19 “(a) There is hereby established in the Office of Federal
20 Information Management Policy a Federal Information Loca-
21 tor System composed of an information locator, a data ele-
22 ment dictionary, and an information referral service.

23 “(b) The Federal Information Locator System shall
24 serve as the authoritative register of all public-use reports;

1 recordkeeping requirements, and interagency and intra-
2 agency reports.

3 “(c) The data profiles describing the general contents of
4 such reports and requirements shall be used to—

5 “(1) identify duplication in existing or new report-
6 ing and recordkeeping requirements;

7 “(2) locate existing information that may meet the
8 needs of a Federal agency and thereby promote shar-
9 ing of such information to avoid duplication;

10 “(3) provide a central coordination mechanism for
11 the Federal Government's requirements for informa-
12 tion;

13 “(4) maximize the use of information by identify-
14 ing available information which will be of utility to
15 Congress and the general public; and

16 “(5) monitor the total reporting and recordkeeping
17 burdens imposed on the public by the Federal Govern-
18 ment so that effective action can be applied to reduce
19 such burdens.

20 **“§ 3603. Duties of Administrator for Federal Information**

21 **Management Policy**

22 “The Administrator for Federal Information Manage-
23 ment Policy (hereinafter in this chapter referred to as the
24 ‘Administrator’) shall—

1 “(1) design and operate the Federal Information
2 Locator System;

3 “(2) design and operate an indexing system for
4 such System;

5 “(3) promulgate rules requiring the head of each
6 Federal agency to prepare in a form specified by the
7 Administrator, and to insert into the Federal Informa-
8 tion Locator System, a data profile for each public-use
9 report, recordkeeping requirement, interagency report,
10 and intra-agency report;

11 “(4) register all data elements in public-use re-
12 ports, recordkeeping requirements, interagency reports,
13 and intra-agency reports in the Federal Information
14 Locator System; and

15 “(5) match data profiles for proposed public-use
16 reports, recordkeeping requirements, interagency re-
17 ports, and intra-agency reports against existing profiles
18 in such System, and make available the results of such
19 matching to—

20 “(A) Federal agency officials who are plan-
21 ning new information collection activities;

22 “(B) relevant Federal agency reports clear-
23 ance officers; and

24 “(C) on request, members of the general
25 public.

1 **"§ 3604. Privacy and confidentiality controls**

2 “(a) The Administrator shall insure that no actual data,
3 except descriptive data profiles necessary to identify duplica-
4 tive data or to locate information, are contained within the
5 Locator System. Any data profile which identifies a data ele-
6 ment of a personal or proprietary nature within the meaning
7 of the section 552a of title 5 shall be appropriately annotated
8 through a coding system that—

9 “(1) identifies the fact that the actual data, wher-
10 ever located, are personal or proprietary and that
11 access to and use of such data is therefore restricted in
12 accordance with safeguards prescribed by section 552a
13 of title 5, or other provisions of law; and

14 “(2) classifies the data elements with respect to
15 the degree of sensitivity of the data, user restrictions,
16 access restrictions, safeguard provisions, and such
17 other identifying information as may be helpful to users
18 of the System.

19 “(b) The Administrator shall identify, by means of ap-
20 propriate classification systems and coding controls, data
21 which have been determined to be subject to the provisions of
22 section 552 of title 5, including whether such data may fall
23 within a category listed in subsection (b) of such section.

24 “(c) The head of each Federal agency shall establish
25 such procedures as he may deem necessary to insure the
26 compliance of his agency with the requirements of this

1 section, including necessary screening and compliance
2 activities.”.

3 (b) The table of chapters of title 44, United States Code,
4 is amended by adding after the item relating to chapter 35
5 the following new item:

“36. Federal Information Locator System.”

6 **TITLE III—MISCELLANEOUS PROVISIONS**

7 **AUTHORIZATION OF APPROPRIATIONS**

8 **SEC. 301.** There are hereby authorized to be appropri-
9 ated to carry out the provisions of this Act, and for no other
10 purpose, such sums as may be necessary.

11 **EFFECTIVE DATE**

12 **SEC. 302.** This Act shall take effect on the sixtieth day
13 following the date of its enactment.

14 *That this Act may be cited as the “Paperwork Reduction Act*
15 *of 1980”.*

16 **SEC. 2. (a)** Chapter 35 of title 44, United States Code,
17 is amended to read as follows:

18 **“CHAPTER 35—COORDINATION OF FEDERAL**
19 **INFORMATION POLICY**

“Sec.

“3501. Purpose.

“3502. Definitions.

“3503. Office of Information and Regulatory Affairs.

“3504. Authority and functions of Director.

“3505. Assignment of tasks and deadlines.

“3506. Federal agency responsibilities.

“3507. Public information collection activities—submission to Director; approval
and delegation.

“3508. Determination of necessity for information; hearing.

“3509. Designation of central collection agency.

"Sec.

"3510. Cooperation of agencies in making information available.

"3511. Establishment and operation of Federal Information Locator System.

"3512. Public protection.

"3513. Director review of agency activities; reporting; agency response.

"3514. Responsiveness to Congress.

"3515. Administrative powers.

"3516. Rules and regulations.

"3517. Consultation with other agencies and the public.

"3518. Effect on existing laws and regulations.

"3519. Access to information.

"3520. Authorization of appropriations.

1 **"§ 3501. Purpose**

2 *"The purpose of this chapter is—*

3 *"(1) to minimize the Federal paperwork burden*
4 *for individuals, small businesses, State and local gov-*
5 *ernments, and other persons;*

6 *"(2) to minimize the cost to the Federal Govern-*
7 *ment of collecting, maintaining, using, and disseminat-*
8 *ing information;*

9 *"(3) to maximize the usefulness of information*
10 *collected by the Federal Government;*

11 *"(4) to coordinate, integrate and, to the extent*
12 *practicable and appropriate, make uniform Federal in-*
13 *formation policies and practices;*

14 *"(5) to ensure that automatic data processing and*
15 *telecommunications technologies are acquired and used*
16 *by the Federal Government in a manner which im-*
17 *proves service delivery and program management, in-*
18 *creases productivity, reduces waste and fraud, and,*
19 *wherever practicable and appropriate, reduces the in-*
20 *formation processing burden for the Federal Govern-*

1 *ment and for persons who provide information to the*
2 *Federal Government; and*

3 “(6) to ensure that the collection, maintenance,
4 *use and dissemination of information by the Federal*
5 *Government is consistent with applicable laws relating*
6 *to confidentiality, including section 552a of title 5,*
7 *United States Code, known as the Privacy Act.*

8 **“§ 3502. Definitions**

9 *“As used in this chapter—*

10 “(1) the term ‘agency’ means any executive de-
11 *partment, military department, Government corpora-*
12 *tion, Government controlled corporation, or other estab-*
13 *lishment in the executive branch of the Government*
14 *(including the Executive Office of the President), or*
15 *any independent regulatory agency, but does not in-*
16 *clude the General Accounting Office, Federal Election*
17 *Commission, the governments of the District of Colum-*
18 *bia and of the territories and possessions of the United*
19 *States, and their various subdivisions, or Government-*
20 *owned contractor-operated facilities including laborato-*
21 *ries engaged in national defense research and produc-*
22 *tion activities;*

23 “(2) the term ‘burden’ means the time, effort, or
24 *financial resources expended by persons to provide in-*
25 *formation to a Federal agency;*

1 “(3) the term ‘collection of information’ means the
2 obtaining or soliciting of facts or opinions by an
3 agency through the use of written report forms, appli-
4 cation forms, schedules, questionnaires, reporting or
5 recordkeeping requirements, or other similar methods
6 calling for either—

7 “(A) answers to identical questions posed to,
8 or identical reporting or recordkeeping require-
9 ments imposed on, ten or more persons, other than
10 agencies, instrumentalities, or employees of the
11 United States; or

12 “(B) answers to questions posed to agencies,
13 instrumentalities, or employees of the United
14 States which are to be used for general statistical
15 purposes;

16 “(4) the term ‘data element’ means a distinct
17 piece of information such as a name, term, number,
18 abbreviation, or symbol;

19 “(5) the term ‘data element dictionary’ means a
20 system containing common definitions and cross refer-
21 ences for commonly used data elements;

22 “(6) the term ‘data profile’ means a synopsis of
23 the questions contained in an information collection re-
24 quest and the official name of the request, the location
25 of information obtained or to be obtained through the

1 *request, a list of any compilations, analyses, or reports*
2 *derived or to be derived from such information, any*
3 *record retention requirements associated with the re-*
4 *quest, the agency responsible for the request, the statute*
5 *authorizing the request, and any other information nec-*
6 *essary to identify, obtain, or use the data contained in*
7 *such information;*

8 *“(7) the term ‘Director’ means the Director of the*
9 *Office of Management and Budget;*

10 *“(8) the term ‘directory of information resources’*
11 *means a catalog of information collection requests, con-*
12 *taining a data profile for each request;*

13 *“(9) the term ‘independent regulatory agency’*
14 *means the Board of Governors of the Federal Reserve*
15 *System, the Civil Aeronautics Board, the Commodity*
16 *Futures Trading Commission, the Consumer Product*
17 *Safety Commision, the Federal Communications Com-*
18 *mission, the Federal Deposit Insurance Corporation,*
19 *the Federal Energy Regulatory Commission, the Fed-*
20 *eral Home Loan Bank Board, the Federal Maritime*
21 *Commission, the Federal Trade Commission, the In-*
22 *terstate Commerce Commission, the Mine Enforcement*
23 *Safety and Health Review Commission, the National*
24 *Labor Relations Board, the Nuclear Regulatory Com-*
25 *mission, the Occupational Safety and Health Review*

1 *Commission, the Postal Rate Commission, the Securi-*
2 *ties and Exchange Commission, and any other similar*
3 *agency designated by statute as a Federal independent*
4 *regulatory agency or commission;*

5 “(10) the term ‘information collection request’
6 means a written report form, application form, sched-
7 ule, questionnaire, reporting or recordkeeping require-
8 ment, or other similar method calling for the collection
9 of information;

10 “(11) the term ‘information referral service’
11 means the function that assists officials and persons in
12 obtaining access to the Federal Information Locator
13 System;

14 “(12) the term ‘information systems’ means man-
15 agement information systems;

16 “(13) the term ‘person’ means an individual,
17 partnership, association, corporation, business trust, or
18 legal representative, an organized group of individuals,
19 a State, territorial, or local government or branch
20 thereof, or a political subdivision of a State, territory,
21 or local government or a branch of a political subdivi-
22 sion;

23 “(14) the term ‘practical utility’ means the ability
24 of an agency to use information it collects, particularly

1 *the capability to process such information in a timely*
2 *and useful fashion;*

3 “(15) the term ‘recordkeeping requirement’ means
4 *a requirement imposed by an agency on persons to*
5 *maintain specified records; and*

6 “(16) the term ‘telecommunications’ equipment,
7 *technology, functions, activities, or needs means the*
8 *equipment, technology, functions, activities, or needs*
9 *used solely for (A) the ‘collection of information’ as de-*
10 *finied in subsection (3) of this section, or (B) the proc-*
11 *essing, storage, and transmission of such collected in-*
12 *formation.*

13 **“§ 3503. Office of Information and Regulatory Affairs**

14 “(a) *There is established in the Office of Management*
15 *and Budget an office to be known as the Office of Informa-*
16 *tion and Regulatory Affairs.*

17 “(b) *There shall be at the head of the Office an Asso-*
18 *ciate Director, who shall be appointed by and shall report*
19 *directly to the Director. The Associate Director shall serve as*
20 *principal adviser to the Director on Federal information*
21 *policy. The Director may delegate to the Associate Director*
22 *functions under this chapter, except that any such delegation*
23 *shall not relieve the Director of responsibility for the admin-*
24 *istration of such functions. The Director may not delegate*
25 *any function under this chapter to any other officer or em-*

1 *ployee of the Office of Management and Budget except the*
2 *Associate Director.*

3 ***“§ 3504. Authority and functions of Director***

4 “(a) *The Director shall provide overall direction in the*
5 *development and implementation of Federal information poli-*
6 *cies, principles, standards, and guidelines, including direc-*
7 *tion over the review and approval of information collection*
8 *requests, the reduction of the paperwork burden, Federal sta-*
9 *tistical activities, records management activities, privacy of*
10 *records, interagency sharing of information, and acquisition*
11 *and use of automatic data processing and other technology for*
12 *managing information resources. The authority under this*
13 *section shall be exercised consistent with applicable law.*

14 “(b) *The general information policy functions of the Di-*
15 *rector shall include—*

16 “(1) *establishing uniform information resources*
17 *management policies and overseeing the development of*
18 *information management principles, standards, and*
19 *guidelines and promoting their use;*

20 “(2) *initiating and reviewing proposals for*
21 *changes in legislation, regulations, and agency proce-*
22 *dures to improve information practices, and informing*
23 *the President and the Congress on the progress made*
24 *therein;*

1 “(3) coordinating, through the review of budget
2 proposals and as otherwise provided in this section,
3 agency information practices;

4 “(4) promoting, through the use of the Federal In-
5 formation Locator System, the review of budget propos-
6 als and other methods, greater sharing of information
7 by agencies;

8 “(5) evaluating agency information management
9 practices to determine their adequacy and efficiency,
10 and to determine compliance of such practices with the
11 policies, principles, standards, and guidelines promul-
12 gated by the Director; and

13 “(6) overseeing planning for, and conduct of re-
14 search with respect to, Federal collection, processing,
15 storage, transmission, and use of information.

16 “(c) The information collection request clearance and
17 other paperwork control functions of the Director shall
18 include—

19 “(1) reviewing and approving information collec-
20 tion requests proposed by agencies;

21 “(2) determining whether the collection of infor-
22 mation by an agency is necessary for the proper per-
23 formance of the functions of the agency, including
24 whether the information will have practical utility for
25 the agency;

1 “(3) *ensuring that all information collection*
2 *requests—*

3 “(A) *are inventoried, display a control*
4 *number and, when appropriate, an expiration*
5 *date;*

6 “(B) *indicate the request is in accordance*
7 *with the clearance requirements of section 3507;*
8 *and*

9 “(C) *contain a statement to inform the*
10 *person receiving the request why the information*
11 *is being collected, how it is to be used, and*
12 *whether responses to the request are voluntary, re-*
13 *quired to obtain a benefit, or mandatory;*

14 “(4) *designating as appropriate, in accordance*
15 *with section 3509, a collection agency to obtain infor-*
16 *mation for two or more agencies;*

17 “(5) *setting goals for reduction of the burdens of*
18 *Federal information collection requests;*

19 “(6) *overseeing action on the recommendations of*
20 *the Commission on Federal Paperwork; and*

21 “(7) *designing and operating, in accordance with*
22 *section 3511, the Federal Information Locator System.*

23 “(d) *The statistical policy and coordination functions of*
24 *the Director shall include—*

1 “(1) developing long range plans for the improved
2 performance of Federal statistical activities and
3 programs;

4 “(2) coordinating, through the review of budget
5 proposals and as otherwise provided in this section, the
6 functions of the Federal Government with respect to
7 gathering, interpreting, and disseminating statistics
8 and statistical information;

9 “(3) overseeing Government-wide policies, princi-
10 ples, standards, and guidelines concerning statistical
11 collection procedures and methods, statistical data clas-
12 sifications, and statistical information presentation and
13 dissemination; and

14 “(4) evaluating statistical program performance
15 and agency compliance with Government-wide policies,
16 principles, standards, and guidelines.

17 “(e) The records management functions of the Director
18 shall include—

19 “(1) providing advice and assistance to the Ad-
20 ministrators of General Services in order to promote co-
21 ordination in the administration of chapters 29, 31,
22 and 33 of this title with the information policies, prin-
23 ciples, standards, and guidelines established under this
24 chapter;

1 “(2) reviewing compliance by agencies with the
2 requirements of chapters 29, 31, and 33 of this title
3 and with regulations promulgated by the Administrator
4 of General Services thereunder; and

5 “(3) coordinating records management policies
6 and programs with related information programs such
7 as information collection, statistics, automatic data
8 processing and telecommunications, and similar
9 activities.

10 “(f) The privacy functions of the Director shall
11 include—

12 “(1) establishing policies, principles, standards,
13 and guidelines on information disclosure and confiden-
14 tiality, and on safeguarding the security of information
15 collected or maintained by agencies;

16 “(2) providing agencies with advice and guidance
17 about information security, restriction, exchange, and
18 disclosure; and

19 “(3) monitoring compliance with section 552a of
20 title 5, United States Code, and related information
21 management laws.

22 “(g) The Federal automatic data processing and tele-
23 communications functions of the Director shall include—

24 “(1) establishing policies, principles, standards,
25 and guidelines for automatic data processing and tele-

1 *communications functions and activities of the Federal*
2 *Government, and overseeing the establishment of*
3 *standards under section 111(f) of the Federal Property*
4 *and Administrative Services Act of 1949;*

5 *“(2) monitoring the effectiveness of, and compli-*
6 *ance with, directives issued pursuant to sections 110*
7 *and 111 of such Act of 1949 and reviewing proposed*
8 *determinations under section 111(g) of such Act;*

9 *“(3) providing advice and guidance on the acqui-*
10 *sition and use of automatic data processing and tele-*
11 *communications equipment, and coordinating, through*
12 *the review of budget proposals and other methods,*
13 *agency proposals for acquisition and use of such equip-*
14 *ment;*

15 *“(4) promoting the use of automatic data process-*
16 *ing and telecommunications equipment by the Federal*
17 *Government to improve the effectiveness of the use and*
18 *dissemination of data in the operation of Federal pro-*
19 *grams; and*

20 *“(5) initiating and reviewing proposals for*
21 *changes in legislation, regulations, and agency proce-*
22 *dures to improve automatic data processing and tele-*
23 *communications practices, and informing the President*
24 *and the Congress of the progress made therein.*

1 “(h) *The Director shall, subject to section 3507(c) of*
2 *this chapter, ensure that, in developing rules and regulations,*
3 *agencies—*

4 “(1) *utilize efficient means in the collection, use,*
5 *and dissemination of information;*

6 “(2) *provide an early and meaningful opportunity*
7 *for the public to comment on proposed means for collec-*
8 *tion of information; and*

9 “(3) *assess the consequences of alternative means*
10 *for the collection, use, and dissemination of informa-*
11 *tion.*

12 **“§ 3505. *Assignment of tasks and deadlines***

13 *“In carrying out the functions under this chapter, the*
14 *Director shall—*

15 “(1) *Upon enactment of this Act—*

16 “(A) *set a goal to reduce the then existing*
17 *burden of federal collections of information by 15*
18 *per centum by October 1, 1982; and*

19 “(B) *for the year following, set a goal to*
20 *reduce the burden which existed upon enactment*
21 *by an additional 10 per centum;*

22 “(2) *within one year after the effective date of*
23 *this Act—*

24 “(A) *establish standards and requirements*
25 *for agency audits of all major information sys-*

1 *tems and assign responsibility for conducting*
2 *Government-wide or multiagency audits, except*
3 *the Director shall not assign such responsibility*
4 *for the audit of major information systems used*
5 *for the conduct of criminal investigations or intel-*
6 *ligence activities as defined in section 4-206 of*
7 *Executive Order 12036, issued January 24,*
8 *1978, or successor orders;*

9 *“(B) establish the Federal Information Lo-*
10 *cator System;*

11 *“(C) identify areas of duplication in infor-*
12 *mation collection requests and develop a schedule*
13 *and methods for eliminating duplication;*

14 *“(D) develop a proposal to augment the Fed-*
15 *eral Information Locator System to include data*
16 *profiles of major information holdings of agencies*
17 *(used in the conduct of their operations) which are*
18 *not otherwise required by this chapter to be in-*
19 *cluded in the System; and*

20 *“(E) identify initiatives which may achieve*
21 *a 10 per centum reduction in the burden of Fed-*
22 *eral collections of information associated with the*
23 *administration of Federal grant programs; and*

24 *“(3) within two years after the effective date of*
25 *this Act—*

1 “(A) establish a schedule and a management
2 control system to ensure that practices and pro-
3 grams of information handling disciplines, includ-
4 ing records management, are appropriately inte-
5 grated with the information policies mandated by
6 this chapter;

7 “(B) identify initiatives to improve produc-
8 tivity in Federal operations using information
9 processing technology;

10 “(C) develop a program to (i) enforce Feder-
11 al information processing standards at all Federal
12 installations and (ii) revitalize the standards de-
13 velopment program established pursuant to section
14 759(f)(2) of title 40, United States Code, and
15 separate such program from technological advisory
16 services;

17 “(D) complete action on recommendations of
18 the Commission on Federal Paperwork by imple-
19 menting, implementing with modification or re-
20 jecting such recommendations including, where
21 necessary, development of legislation to implement
22 such recommendations;

23 “(E) develop, in consultation with the Ad-
24 ministrator of General Services, a five-year plan
25 for meeting the automatic data processing and

1 *telecommunications needs of the Federal Govern-*
2 *ment in accordance with the requirements of sec-*
3 *tion 111 of the Federal Property and Administra-*
4 *tive Services Act of 1949 (40 U.S.C. 759) and*
5 *the purposes of this chapter; and*

6 *“(F) submit to the President and the Con-*
7 *gress legislative proposals to remove inconsisten-*
8 *cies in laws and practices involving privacy, con-*
9 *fidentiality, and disclosure of information.*

10 **“§ 3506. Federal agency responsibilities**

11 *“(a) Each agency shall be responsible for carrying out*
12 *its information management activities in an efficient, effec-*
13 *tive, and economical manner, and for complying with the in-*
14 *formation policies, principles, standards, and guidelines pre-*
15 *scribed by the Director.*

16 *“(b) The head of each agency shall designate, within*
17 *three months after the effective date of this Act, a senior offi-*
18 *cial or officials who report directly to such agency head to*
19 *carry out the responsibilities of the agency under this*
20 *chapter.*

21 *“(c) Each agency shall—*

22 *“(1) systematically inventory its major informa-*
23 *tion systems and periodically review its information*
24 *management activities, including planning, budgeting,*
25 *organizing, directing, training, promoting, controlling,*

1 *and other managerial activities involving the collection,*
2 *use, and dissemination of information;*

3 “(2) *ensure its information systems do not overlap*
4 *each other or duplicate the systems of other agencies;*

5 “(3) *develop procedures for assessing the paper-*
6 *work and reporting burden of proposed legislation af-*
7 *fecting such agency;*

8 “(4) *assign to the official designated under sub-*
9 *section (b) the responsibility for the conduct of and ac-*
10 *countability for any acquisitions made pursuant to a*
11 *delegation of authority under section 111 of the Feder-*
12 *al Property and Administrative Services Act of 1949*
13 *(40 U.S.C. 759); and*

14 “(5) *ensure that information collection requests*
15 *required by law or to obtain a benefit, and submitted*
16 *to nine or fewer persons, contain a statement to inform*
17 *the person receiving the request that the request is not*
18 *subject to the requirements of section 3507 of this*
19 *chapter.*

20 “(d) *The head of each agency shall establish such proce-*
21 *dures as necessary to ensure the compliance of the agency*
22 *with the requirements of the Federal Information Locator*
23 *System, including necessary screening and compliance*
24 *activities.*

1 ***“§ 3507. Public information collection activities—submission***
2 ***to Director; approval and delegation***

3 “(a) *An agency shall not conduct or sponsor the collec-*
4 *tion of information unless, in advance of the adoption or revi-*
5 *sion of the request for collection of such information—*

6 “(1) *the agency has taken actions, including con-*
7 *sultation with the Director, to—*

8 “(A) *eliminate, through the use of the*
9 *Federal Information Locator System and other*
10 *means, information collections which seek to*
11 *obtain information available from another source*
12 *within the Federal Government;*

13 “(B) *reduce to the extent practicable and ap-*
14 *propriate the burden on persons who will provide*
15 *information to the agency; and*

16 “(C) *formulate plans for tabulating the in-*
17 *formation in a manner which will enhance its*
18 *usefulness to other agencies and to the public;*

19 “(2) *the agency (A) has submitted to the Director*
20 *the proposed information collection request, copies of*
21 *pertinent regulations and other related materials as the*
22 *Director may specify, and an explanation of actions*
23 *taken to carry out paragraph (1) of this subsection,*
24 *and (B) has prepared a notice to be published in the*
25 *Federal Register stating that the agency has made*
26 *such submission; and*

1 “(3) the Director has approved the proposed infor-
2 mation collection request, or the period for review of
3 information collection requests by the Director provided
4 under subsection (b) has elapsed.

5 “(b) The Director shall, within sixty days of receipt of a
6 proposed information collection request, notify the agency in-
7 volved of the decision to approve or disapprove the request. If
8 the Director determines that a request submitted for review
9 cannot be reviewed within sixty days, the Director may, after
10 notice to the agency involved, extend the review period for an
11 additional thirty days. If the Director does not notify the
12 agency of an extension, denial, or approval within sixty days
13 (or, if the Director has extended the review period for an
14 additional thirty days and does not notify the agency of a
15 denial or approval within the time of the extension), a control
16 number shall be assigned without further delay, the approval
17 may be inferred, and the agency may collect the information
18 for not more than one year.

19 “(c) Any disapproval by the Director, in whole or in
20 part, of a proposed information collection request of an inde-
21 pendent regulatory agency, or an exercise of authority under
22 sections 3504(h) or 3509 concerning such an agency, may be
23 voided, if the agency by a majority vote of its members over-
24 rides the Director's disapproval or exercise of authority. The
25 agency shall certify each override to the Director, shall ex-

1 *plain the reasons for exercising the override authority. Where*
2 *the override concerns an information collection request, the*
3 *Director shall without further delay assign a control number*
4 *to such request, and such override shall be valid for a period*
5 *of three years.*

6 “(d) *The Director may not approve an information col-*
7 *lection request for a period in excess of three years.*

8 “(e) *If the Director finds that a senior official of an*
9 *agency designated pursuant to section 3506(b) is sufficiently*
10 *independent of program responsibility to evaluate fairly*
11 *whether proposed information collection requests should be*
12 *approved and has sufficient resources to carry out this re-*
13 *sponsibility effectively, the Director may, by rule in accord-*
14 *ance with the notice and comment provisions of chapter 5 of*
15 *title 5, United States Code, delegate to such official the au-*
16 *thority to approve proposed requests in specific program*
17 *areas, for specific purposes, or for all agency purposes. A*
18 *delegation by the Director under this section shall not pre-*
19 *clude the Director from reviewing individual information col-*
20 *lection requests if the Director determines that circumstances*
21 *warrant such a review. The Director shall retain authority to*
22 *revoke such delegations, both in general and with regard to*
23 *any specific matter. In acting for the Director, any official to*
24 *whom approval authority has been delegated under this sec-*

1 *tion shall comply fully with the rules and regulations pro-*
2 *mulgated by the Director.*

3 “(f) *An agency shall not engage in a collection of infor-*
4 *mation without obtaining from the Director a control number*
5 *to be displayed upon the information collection request.*

6 “(g) *If an agency head determines a collection of infor-*
7 *mation (1) is needed prior to the expiration of the sixty-day*
8 *period for the review of information collection requests estab-*
9 *lished pursuant to subsection (b), (2) is essential to the mis-*
10 *sion of the agency, and (3) the agency cannot reasonably*
11 *comply with the provisions of this chapter within such sixty-*
12 *day period, the agency head may request the Director to au-*
13 *thorize such collection of information prior to expiration of*
14 *such sixty-day period. The Director shall approve or disap-*
15 *prove any such authorization request within one working day*
16 *after its receipt and, if approved, shall assign the information*
17 *collection request a control number. Any collection of infor-*
18 *mation conducted pursuant to this subsection may be con-*
19 *ducted without compliance with the provisions of this chapter*
20 *for a maximum of 90 days after the date on which the Direc-*
21 *tor received the request to authorize such collection.*

22 **“§ 3508. Determination of necessity for information;**
23 **hearing**

24 “*Before approving a proposed information collection re-*
25 *quest, the Director shall determine whether the collection of*

1 *information by an agency is necessary for the proper per-*
2 *formance of the functions of the agency, including whether*
3 *the information will have practical utility. Before making a*
4 *determination the Director may give the agency and other*
5 *interested persons an opportunity to be heard or to submit*
6 *statements in writing. To the extent, if any, that the Director*
7 *determines that the collection of information by an agency is*
8 *unnecessary, for any reason, the agency may not engage in*
9 *the collection of the information.*

10 ***“§ 3509. Designation of central collection agency***

11 *“The Director may designate a central collection agency*
12 *to obtain information for two or more agencies if the Director*
13 *determines that the needs of such agencies for information*
14 *will be adequately served by a single collection agency, and*
15 *such sharing of data is not inconsistent with any applicable*
16 *law. In such cases the Director shall prescribe (with refer-*
17 *ence to the collection of information) the duties and functions*
18 *of the collection agency so designated and of the agencies for*
19 *which it is to act as agent (including reimbursement for*
20 *costs). While the designation is in effect, an agency covered*
21 *by it may not obtain for itself information which it is the*
22 *duty of the collection agency to obtain. The Director may*
23 *modify the designation from time to time as circumstances*
24 *require. The authority herein is subject to the provisions of*
25 *section 3507(c) of this chapter.*

1 ***“§ 3510. Cooperation of agencies in making information***
2 ***available***

3 “(a) *The Director may direct an agency to make availa-*
4 *ble to another agency, or an agency may make available to*
5 *another agency, information obtained pursuant to an infor-*
6 *mation collection request if the disclosure is not inconsistent*
7 *with any applicable law or policy.*

8 “(b) *If information obtained by an agency is released*
9 *by that agency to another agency, all the provisions of law*
10 *(including penalties which relate to the unlawful disclosure*
11 *of information) apply to the officers and employees of the*
12 *agency to which information is released to the same extent*
13 *and in the same manner as the provisions apply to the offi-*
14 *cers and employees of the agency which originally obtained*
15 *the information. The officers and employees of the agency to*
16 *which the information is released, in addition, shall be sub-*
17 *ject to the same provisions of law, including penalties, relat-*
18 *ing to the unlawful disclosure of information as if the infor-*
19 *mation had been collected directly by that agency.*

20 ***“§ 3511. Establishment and operation of Federal Informa-***
21 ***tion Locator System***

22 “(a) *There is established in the Office of Information*
23 *and Regulatory Affairs a Federal Information Locator*
24 *System (hereafter in this section referred to as the ‘System’)*
25 *which shall be composed of a directory of information re-*
26 *sources, a data element dictionary, and an information refer-*

1 *ral service. The System shall serve as the register of all in-*
2 *formation collection requests.*

3 “(b) *In designing and operating the System, the Direc-*
4 *tor shall—*

5 “(1) *design and operate an indexing system for*
6 *the System;*

7 “(2) *require the head of each agency to prepare in*
8 *a form specified by the Director, and to submit to the*
9 *Director for inclusion in the System, a data profile for*
10 *each information collection request of such agency;*

11 “(3) *compare data profiles for proposed informa-*
12 *tion collection requests against existing profiles in the*
13 *System, and make available the results of such com-*
14 *parison to—*

15 “(A) *agency officials who are planning new*
16 *information collection activities; and*

17 “(B) *on request, members of the general*
18 *public; and*

19 “(4) *ensure that no actual data, except descriptive*
20 *data profiles necessary to identify duplicative data or*
21 *to locate information, are contained within the System.*

22 **“§ 3512. Public protection**

23 “*Notwithstanding any other provision of law, no person*
24 *shall be subject to any penalty for failing to maintain or*
25 *provide information to any agency if the information collec-*

1 *tion request involved was made after December 31, 1981,*
2 *and does not display a current control number assigned by*
3 *the Director, or fails to state that such request is not subject*
4 *to this chapter.*

5 ***“§ 3513. Director review of agency activities; reporting;***
6 ***agency response***

7 *“(a) The Director shall, with the advice and assistance*
8 *of the Administrator of General Services, selectively review,*
9 *at least once every three years, the information management*
10 *activities of each agency to ascertain their adequacy and effi-*
11 *ciency. In evaluating the adequacy and efficiency of such*
12 *activities, the Director shall pay particular attention to*
13 *whether the agency has complied with section 3506.*

14 *“(b) The Director shall report the results of the reviews*
15 *to the appropriate agency head, the House Committee on*
16 *Government Operations, the Senate Committee on Govern-*
17 *mental Affairs, the House and Senate Committees on Appro-*
18 *priations, and the committees of the Congress having juris-*
19 *diction over legislation relating to the operations of the*
20 *agency involved.*

21 *“(c) Each agency which receives a report pursuant to*
22 *subsection (b) shall, within sixty days after receipt of such*
23 *report, prepare and transmit to the Director, the House Com-*
24 *mittee on Government Operations, the Senate Committee on*
25 *Governmental Affairs, the House and Senate Committees on*

1 *Appropriations, and the committees of the Congress having*
2 *jurisdiction over legislation relating to the operations of the*
3 *agency, a written statement responding to the Director's*
4 *report, including a description of any measures taken to alle-*
5 *viate or remove any problems or deficiencies identified in*
6 *such report.*

7 **“§ 3514. Responsiveness to Congress**

8 “(a) *The Director shall keep the Congress and its com-*
9 *mittees fully and currently informed of the major activities*
10 *under this chapter, and shall submit a report thereon to the*
11 *President of the Senate and the Speaker of the House of*
12 *Representatives annually and at such other times as the Di-*
13 *rector determines necessary. The Director shall include in*
14 *any such report—*

15 “(1) *proposals for legislative action needed to im-*
16 *prove Federal information management, including,*
17 *with respect to information collection, recommendations*
18 *to reduce the burden on individuals, small businesses,*
19 *State and local governments, and other persons;*

20 “(2) *a compilation of legislative impediments to*
21 *the collection of information which the Director con-*
22 *cludes that an agency needs but does not have authori-*
23 *ty to collect;*

24 “(3) *an analysis by agency, and by categories the*
25 *Director finds useful and practicable, describing the es-*

1 *estimated reporting hours required of persons by infor-*
2 *mation collection requests, including to the extent prac-*
3 *ticable identification of statutes and regulations which*
4 *impose the greatest number of reporting hours;*

5 *“(4) a summary of accomplishments and planned*
6 *initiatives to reduce burdens of Federal information*
7 *collection requests;*

8 *“(5) a tabulation of areas of duplication in*
9 *agency information collection requests identified during*
10 *the preceding year and efforts made to preclude the col-*
11 *lection of duplicate information, including designations*
12 *of central collection agencies;*

13 *“(6) a list of each instance in which an agency*
14 *engaged in the collection of information under the au-*
15 *thority of section 3507(g) and an identification of each*
16 *agency involved;*

17 *“(7) a list of all violations of provisions of this*
18 *chapter and rules, regulations, guidelines, policies, and*
19 *procedures issued pursuant to this chapter; and*

20 *“(8) with respect to recommendations of the Com-*
21 *mission on Federal Paperwork—*

22 *“(A) a description of the specific actions*
23 *taken on or planned for each recommendation;*

1 “(B) a target date for implementing each
2 recommendation accepted but not implemented;
3 and

4 “(C) an explanation of the reasons for any
5 delay in completing action on such recommenda-
6 tions.

7 “(b) The preparation of any report required by this sec-
8 tion shall not increase the collection of information burden on
9 persons outside the Federal Government.

10 **“§ 3515. Administrative powers**

11 “Upon the request of the Director, each agency (other
12 than an independent regulatory agency) shall make its serv-
13 ices, personnel, and facilities available to the Director for the
14 performance of functions under this chapter.

15 **“§ 3516. Rules and regulations**

16 “The Director may promulgate rules, regulations, or
17 procedures necessary to exercise the authority provided by
18 this chapter.

19 **“§ 3517. Consultation with other agencies and the public**

20 “In the development of information policies, plans,
21 rules, regulations, and procedures, and in approving infor-
22 mation collection requests, the Director shall provide affected
23 agencies and persons early and meaningful opportunity for
24 consultation.

1 **“§ 3518. Effect on existing laws and regulations**

2 “(a) *Except as otherwise provided in this chapter, the*
3 *authority of an agency under any other law to prescribe poli-*
4 *cies, rules, regulations, and procedures for Federal informa-*
5 *tion activities is subject to the authority conferred on the Di-*
6 *rector by this chapter.*

7 “(b) *Nothing in this chapter shall be deemed to affect or*
8 *reduce the authority of the Secretary of Commerce pursuant*
9 *to Reorganization Plan No. 1 of 1977 (as amended) and*
10 *Executive order, relating to telecommunications and infor-*
11 *mation policy, procurement and management of telecommu-*
12 *nications and information systems, spectrum use, and related*
13 *matters.*

14 “(c)(1) *Except as provided in paragraph (2), this chap-*
15 *ter does not apply to the collection of information—*

16 “(A) *during the conduct of a Federal criminal in-*
17 *vestigation or prosecution, or during the disposition of*
18 *a particular criminal matter;*

19 “(B) *during the conduct of (i) a civil action to*
20 *which the United States or any official or agency*
21 *thereof is a party or (ii) an administrative action or*
22 *investigation involving an agency against specific indi-*
23 *viduals or entities;*

24 “(C) *by compulsory process pursuant to the Anti-*
25 *trust Civil Process Act; or*

1 “(D) during the conduct of intelligence activities
2 as defined in section 4-206 of Executive Order 12036,
3 issued January 24, 1978, or successor orders.

4 “(2) This chapter applies to the collection of in-
5 formation during the conduct of general investigations
6 (other than information collected in an antitrust inves-
7 tigation to the extent provided in subparagraph (C) of
8 paragraph (1)) undertaken with reference to a category
9 of individuals or entities such as a class of licensees or
10 an entire industry.

11 “(d) Nothing in this chapter shall be interpreted as in-
12 creasing or decreasing the authority conferred by Public Law
13 89-306 on the Administrator of the General Services Ad-
14 ministration, the Secretary of Commerce, or the Director of
15 the Office of Management and Budget.

16 “(e) Nothing in this chapter affects in any way an ex-
17 isting authority of the President, the Office of Management
18 and Budget or the Director thereof, under the laws of the
19 United States, with respect to the substantive policies and
20 programs of departments, agencies and offices.

21 **“§ 3519. Access to information**

22 “Under the conditions and procedures prescribed in sec-
23 tion 313 of the Budget and Accounting Act of 1921, as
24 amended, the Director and personnel in the Office of Infor-
25 mation and Regulatory Affairs shall furnish such informa-

1 *tion as the Comptroller General may require for the dis-*
2 *charge of his responsibilities. For this purpose, the Comptrol-*
3 *ler General or representatives thereof shall have access to all*
4 *books, documents, papers and records of the Office.*

5 ***“§ 3520. Authorization of appropriations***

6 *“There are hereby authorized to be appropriated to*
7 *carry out the provisions of this chapter, and for no other pur-*
8 *pose, sums—*

9 *“(1) not to exceed \$8,000,000 for the fiscal year*
10 *ending September 30, 1981;*

11 *“(2) not to exceed \$8,500,000 for the fiscal year*
12 *ending September 30, 1982; and*

13 *“(3) not to exceed \$9,000,000 for the fiscal year*
14 *ending September 30, 1983.”*

15 *(b) The item relating to chapter 35 in the table of chap-*
16 *ters for such title is amended to read as follows:*

“35. Coordination of Federal Information Policy.

17 *(c)(1) Section 2904(10) of such title is amended to read*
18 *as follows:*

19 *“(10) report to the appropriate oversight and ap-*
20 *propriations committees of the Congress and to the Di-*
21 *rector of the Office of Management and Budget annu-*
22 *ally and at such other times as the Administrator*
23 *deems desirable (A) on the results of activities conduct-*
24 *ed pursuant to paragraphs (1) through (9) of this sec-*

1 *tion, (B) on evaluations of responses by Federal agen-*
2 *cies to any recommendations resulting from inspections*
3 *or studies conducted under paragraphs (8) and (9) of*
4 *this section, and (C) to the extent practicable, estimates*
5 *of costs to the Federal Government resulting from the*
6 *failure of agencies to implement such recommenda-*
7 *tions."*

8 *(2) Section 2905 of such title is amended by redesignat-*
9 *ing the text thereof as subsection (a) and by adding at the end*
10 *of such section the following new subsection:*

11 *"(b) The Administrator of General Services shall assist*
12 *the Associate Director for the Office of Information and Reg-*
13 *ulatory Affairs in conducting studies and developing stand-*
14 *ards relating to record retention requirements imposed on the*
15 *public and on State and local governments by Federal*
16 *agencies."*

17 *SEC. 3. (a) The President and the Director of the Office*
18 *of Management and Budget may delegate to the Associate*
19 *Director for the Office of Information and Regulatory Af-*
20 *fairs all functions, authority, and responsibility under sec-*
21 *tion 103 of the Budget and Accounting Procedures Act of*
22 *1950 (31 U.S.C. 186). The Director may not delegate such*
23 *functions, authority, and responsibility to any other officer or*
24 *employee of the Office of Management and Budget.*

1 (b) *The Director of the Office of Management and*
2 *Budget may delegate, but only to the Associate Director for*
3 *the Office of Information and Regulatory Affairs all func-*
4 *tions, authority, and responsibility of the Director under sec-*
5 *tion 552a of title 5, United States Code, and under sections*
6 *110 and 111 of the Federal Property and Administrative*
7 *Services Act of 1949 (40 U.S.C. 757 and 759). The Direc-*
8 *tor may not delegate such functions, authority, and responsi-*
9 *bility to any other officer or employee of the Office of Man-*
10 *agement and Budget.*

11 SEC. 4. (a) *Section 400A of the General Education*
12 *Provisions Act is amended by (1) striking out "and" after*
13 *"institutions" in subsection (a)(1)(A) and inserting in lieu*
14 *thereof "or", and (2) by amending subsection (a)(3)(B) to*
15 *read as follows:*

16 *"(B) No collection of information or data acquisition*
17 *activity subject to such procedures shall be subject to any*
18 *other review, coordination, or approval procedure outside of*
19 *the relevant Federal agency, except as required by this sub-*
20 *section and by the Director of the Office of Management and*
21 *Budget under the rules and regulations established pursuant*
22 *to chapter 35 of title 44, United States Code. If a require-*
23 *ment for information is submitted pursuant to this Act for*
24 *review, the timetable for the Director's approval established*
25 *in section 3507 of the Paperwork Reduction Act of 1980*

1 *shall commence on the date the request is submitted, and no*
2 *independent submission to the Director shall be required*
3 *under such Act."*

4 *(b) Section 201(e) of the Surface Mining Control and*
5 *Reclamation Act of 1977 (30 U.S.C. 1211) is repealed.*

6 *(c) Section 708(f) of the Public Health Service Act (42*
7 *U.S.C. 292h(f)) is repealed.*

8 *(d) Section 5315 of title 5, United States Code, is*
9 *amended by adding at the end thereof the following:*

10 *"Associate Director, Office of Information and*
11 *Regulatory Affairs, Office of Management and*
12 *Budget."*

13 *SEC. 5. This Act shall take effect on October 1, 1980.*

Amend the title so as to read: "A bill to reduce paper-
work and enhance the economy and efficiency of the Gov-
ernment and the private sector by improving Federal infor-
mation policymaking, and for other purposes."

Calendar No. 1015

96TH CONGRESS
2D Session

S. 1411

[Report No. 96-930]

A BILL

To improve the economy and efficiency of the Government and the private sector by improving Federal information management, and for other purposes.

JUNE 26 (legislative day, JUNE 21), 1979

Read twice and referred to the Committee on Governmental Affairs

SEPTEMBER 8 (legislative day, JUNE 12), 1980

Reported with an amendment and an amendment to the title